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July 26, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

Re: In the Matter of Truth-in-Billing and Billing Format
CC Docket No. 98-170

Dear Ms. Salas:

Enclosed for filing on behalf of ALLTEL Communications, Inc. ("ALLTEL") please find an original and four (4) copies of the Comments in connection with the above-referenced matter.

In response to the Commission's Further Notice of Proposed Rulemaking, I am submitting ALLTEL's Comments on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows software, in "read-only mode" to David Konuch of the Common Carrier Bureau's Enforcement Division and to the Commission's copy contractor, International Transcription Service, Inc.

Please address any questions respecting this matter to the undersigned counsel.

Very truly yours,

Glenn S. Rabin (ccH)

Glenn S. Rabin

GSR/ss

Enclosures

cc: pleading and diskette – David Konuch, FCC
pleading and diskette - International Transcription Services

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List A B C D E

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
)	
Truth-in-Billing)	CC Docket No. 98-170
And)	
Billing Format)	

Comments of ALLTEL Communications, Inc.

ALLTEL Communications, Inc. ("ACI")¹ hereby submits its comments in response to the Commission's Further Notice of Proposed Rulemaking² with regard to the applicability of the truth-in-billing principles and guidelines to Commercial Mobile Radio Service ("CMRS") carriers.

ACI shares the Commission's belief that all consumers expect and should receive bills that are fair, clear and truthful. However, in the absence of any evidence that CMRS carriers have been less than forthright in their bills, there is no basis for the broad application of each of the truth-in-billing requirements to CMRS industry. The Commission readily acknowledges this simple truism.³ Section 201(b) of the

¹ ACI is a subsidiary of ALLTEL Corporation, a diversified telecommunications and information services holding company whose subsidiaries and affiliates provide LEC, CLEC, CMRS, and information services offerings in various states throughout the country. ACI and its various sister companies, including 360 Communications Company ("360"), are among the nation's leading providers of CMRS services with over 2.4 million wireless subscribers.

² See, First Report and Order and Further Notice of Proposed Rulemaking in the Matter of Truth-in-Billing and Billing Format, CC Docket No. 98-170, FCC 99-72 (Released May 11, 1999) (the "FNPRM"). The FNPRM was published in the Federal Register on June 25, 1999. (64 Fed. Reg. 34488) and comments were due on the applicability of the new rules to CMRS carriers 30 days thereafter.

³ See FNPRM at para. 68.

Communications Act, as amended, provides adequate protection against unjust and unreasonable carrier practices⁴ and applies with equal force to CMRS carriers. Further the competitive market place governing the provision of CMRS services provides the most effective consumer protections.⁵ In the absence of a record of abuse, these protections should suffice.

The Commission's suggested Section 10 forbearance analysis is premature in ACI's view. In order to avoid arbitrary and capricious decision making, it is the Commission, in the first instance, which must justify the imposition of a new rule, rather than prematurely address the need to forbear from a rule that it has yet to promulgate.⁶ Similarly, in the absence of a record, the Commission will be hard pressed to justify the imposition of the new rule based upon a predicative judgment for which there is no historical or factual basis.⁷

Evidence clearly suggests that some consumers are substituting wireless service for wireline service as a consequence of the reduced rates and calling plans that are the direct consequence of a competitive CMRS industry. In ACI's view, this phenomenon is a testament to the ability of a competitive marketplace to provide substitutes for

⁴ See FNPRM at para. 24

⁵ See, Separate Statement of Commissioner Michael K. Powell, Concurring in re: Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Truth-In-Billing and Billing Format (CC Docket No. 98-170).

⁶ While the section 10 forbearance process was directed toward existing regulations, ACI notes that the section 10 standards are based in the general deregulatory thrust of the Telecommunications Act of 1996 and its preference for competition in lieu of regulation. Hence, the Commission, in promulgating rules in first instance, may consider the section 10 standards. For as Commissioner Powell notes, it would be nonsense to duly promulgate a rule, only to forbear from its application and enforcement shortly thereafter. Id.

⁷ The Commission must be duly cautious in its "predictive judgement" and have some basis to its rationale before imposing its rulemaking authority. Cf. Cincinnati Bell v. FCC, 69 F3d 762 (Sixth Circuit 1995).

monopoly services and not a beachhead for the Commission to saddle the CMRS industry with additional regulation.

ACI concurs with the Commission's tentative findings as to "deniable charges".⁸ These requirements have no relevance to the world of CMRS. In the absence of equal access obligations and other requirements, third-party vendors generally do not provide services to CMRS customers that are billed by the carrier. CMRS is generally a bundled and integrated service and, consequently, various services are generally provided by a single carrier. "Deniability" consequently adds no consumer benefit to CMRS subscribers' bills.

In conclusion, ACI believes that the Commission should not extend coverage of each of the truth-in billing requirements to CMRS services.

Respectfully submitted,
ALLTEL Communications, Inc.

By: Glenn S. Rabin (ccB)
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Dated: July 26, 1999

⁸ See FNPRM at para. 70.